

## **Proposed Pretrial Order Procedures (including Motions in Limine)** **for Judge John Robert Blakey**

The parties shall jointly prepare and submit a Proposed Pretrial Order for the Court's consideration that contains the sections and information described below. The Proposed Pretrial Order must be e-mailed to: "Proposed\_Order\_Blakey@ilnd.uscourts.gov" in Word format, with two courtesy copies delivered to chambers. The Proposed Pretrial Order must also be filed on the docket by selecting "Other Filings" and then "Other Documents," and choosing the Proposed Pretrial Order event in CM/ECF. The Court will set a date for filing the proposed pretrial order, usually no later than two weeks prior to the final pretrial conference.

### **Final Pretrial Conference**

A Final Pretrial Conference will be held approximately two weeks before trial. The purpose of this conference will be to avoid surprises and to simplify the trial. At the conference, the Judge will address all pending motions in limine, objections to witnesses and exhibits, and contested jury instructions, and will discuss trial procedures and scheduling. Lead trial counsel with authority to discuss and address all aspects of the case, including the authority to enter into stipulations or settlement (if any), must attend.

### **Contents of Proposed Pretrial Order**

1. **Jurisdiction.** State the jurisdictional basis for each claim. If the parties rely on either diversity jurisdiction or another jurisdictional basis that requires a threshold amount, then state whether the parties agree that the amount in controversy exceeds the amount, and include a concise explanation of how the evidence supports that statement. Also, if the parties rely on diversity jurisdiction, state each party's domicile.
2. **Trial Attorneys.** List all of the attorneys trying the case, as well as their contact information (business address, telephone number, and e-mail address).
3. **Case Statement.** Provide a concise agreed statement of the case to be read by the Court to the jury during jury selection. The statement should include a description of the nature of the case and the claims (plus counter-claims and cross-claims, if any), and the defenses.
4. **Trial Length/Number of Jurors.** State the estimated number of trial days, including jury selection, opening statements, and closing arguments, as well as the number of jurors the parties recommend be selected (subject to Rule 48(a)). For most trials, the Court prefers a 12-person jury, with all 12 jurors deliberating.
5. **Stipulations and Uncontested Facts.** In numbered paragraphs, set forth any stipulations and uncontested facts. The parties must confer in good faith to arrive at as many stipulations and uncontested facts as possible.
6. **Witness Lists.** List the witnesses, including expert witnesses, divided into (a) witnesses who will be called; (b) witnesses whose testimony will be presented by deposition or other prior

testimony (indicating whether the presentation will be by reading a transcript or playing a video); and (c) witnesses who might be called or whose testimony might be presented. For each witness, provide a very concise (2 or 3 sentences) description of the witness and the witness's role in the case. Witnesses who are not on the lists are barred from testifying unless the proponent shows good cause for the failure to disclose the witness. The names of witnesses on the lists will be read to the jury during jury selection to ensure that potential jurors do not personally know any witnesses.

**7. Exhibit Lists.** The parties must submit an exhibit list that includes summary exhibits and demonstrative exhibits. The list must state the following: (a) the exhibit number; (b) a concise description of the exhibit (with any pertinent dates of documents); (c) a concise statement of the exhibit's relevance; and (d) whether there is an objection to the exhibit's admission, and if so, a concise explanation of the objection and the proponent's theory of admissibility.

Any exhibit not objected-to shall be deemed admitted by operation of the Final Pretrial Order without any need for foundation testimony, unless the exhibit is not referred to during trial testimony or otherwise published to the jury. The parties shall stipulate to the authenticity of exhibits whenever possible.

No later than one week prior to the Final Pretrial Conference, the parties must submit to Chambers 2 sets of exhibit binders containing copies of objected-to exhibits.

If, due to unforeseen circumstances during trial a party wishes to introduce an exhibit not previously listed, notice should be given as soon as possible to the opposing side and to the Court so that any objections can be discussed. Absent an abuse of this process, an exhibit will not be deemed inadmissible simply because it was not included on the original exhibit list, provided the exhibit was earlier produced to the opposing side during discovery.

**8. Requested Relief.** Plaintiff (and counter/cross-claimants, if applicable) shall itemize damages and other relief sought.

**9. Motions in Limine.** In the Proposed Pretrial Order, each party must provide a list summarizing its motions in limine. Motions in limine must be filed separately from the Pretrial Order by the due date set by the Court. Ten business days prior to the Final Pretrial Conference, or on the date otherwise set by the Court, each party shall file its motions in limine in a single pleading not to exceed 30 pages, with each issue separately numbered and argued within the pleading. Three business days prior to the Final Pretrial Conference, or on the date otherwise set by the Court, each party shall file its response. The response shall consist of a single pleading, not to exceed 30 pages, with each issue separately addressed and listed with the same numbering as the motions in limine. No replies will be permitted absent leave of the Court. Unless otherwise directed by the Court, the parties will argue all motions in limine at the Final Pretrial Conference.

Any motion in limine filed by a party must be accompanied by a statement that the party has conferred with the opposing party and the opposing party actually intends to offer the evidence that the movant seeks to exclude, or actually opposes admission of the evidence that the movant

seeks to include. If the meet-and-confer process results in agreement over evidentiary issues, that agreement may be memorialized in a stipulation entered into at the Final Pretrial Conference.

**10. Jury Selection Questions (Proposed Voir Dire).** Judge Blakey will always ask routine biographical questions. Any additional questions sought by the parties must be listed in the Proposed Pretrial Order, divided into (a) agreed-upon questions and (b) proposed questions to which one party objects. A short basis for any objection should accompany the list.

**11. Proposed Jury Instructions and Verdict Forms.** The parties must meet and confer in order to attempt to agree on jury instructions and the verdict forms. If the parties agree to use any [Seventh Circuit Pattern Instructions](#), those instructions may be simply listed by citation in the Proposed Pretrial Order. The parties should concentrate their efforts on the substantive jury instructions related to the merits. In the Proposed Pretrial Order, the parties should set forth the complete text of any non-Seventh Circuit Pattern instruction and identify: (a) the proponent of the instruction, (b) the legal authority for the instruction, and (c) whether there is an objection to the instruction. If an instruction is disputed, the proponent of the instruction should concisely explain the basis for the instruction, if more explanation is required beyond the identified legal authority. Moreover, if an instruction is disputed, the objecting party must concisely state the grounds for the objection, as well as any proposed modification or alternative. The same principles apply to proposed verdict forms.

**12. Trial Briefs.** Judge Blakey does not require trial briefs in jury trials. Parties who wish to file a trial brief to address any unique issues of law or fact, however, may seek leave of Court to do so on or before the due date for filing motions in limine.

**13. Evidence Projection Systems.** The Court has a limited number of evidence projection systems, which may or may not be available for use on any given date. Parties who would like access to evidence projection systems are advised to make a request as early as possible (four weeks prior to trial is suggested) to Nathaniel Groshek, Courtroom Technology Administrator, at (312) 435-6045. Parties will be permitted to use their own evidence projection systems, upon reasonable terms, if a request is made in advance of trial, through the Courtroom Deputy.